

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re Dennis Campbell Harden,
Cindy Crittenden Harden,

Chapter 13
Case No. 14-33161-KRH

Debtors.

BUCKS FINANCIAL, LLC
Movant

vs

DENNIS CAMPBELL HARDEN
CINDY CRITTENDEN HARDEN

Debtors/Respondents

and

ROBERT HYMAN

Trustee/Respondent

MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)

Bucks Financial, LLC (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtors having an address of 2715 Pine Ridge Lane Powhatan, Virginia 23139 (the “Property”), for all purposes allowed by the Note (defined below), the Deed of Trust (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157.
2. Movant is a mortgage servicer.
3. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtors on June 11, 2013.
4. Robert E. Hyman is the Trustee of the Debtors’ bankruptcy estate.
5. A Chapter 13 Plan has not yet confirmed as there is an Objection to the Plan scheduled for hearing on November 12, 2014.
6. The Debtors have executed and delivered or are otherwise obligated with respect to that certain promissory note in the original principal amount of \$158,100.00 (the “Note”). A copy of the Note is attached hereto as Exhibit A.
7. Pursuant to that certain Deed of Trust (the “Deed of Trust”), all obligations (collectively, the “Obligations”) of the Debtors under and with respect to the Note

and the Deed of Trust are secured by the Property. The lien created by the Deed of Trust was perfected by recording the Deed of Trust in the office of the Clerk of the Circuit Court of Powhatan County.

8. The legal description of the Property is:

A PARCEL OF LAND SITUATED IN THE STATE OF VIRGINIA, COUNTY OF POWHATAN, WITH A STREET LOCATION ADDRESS OF 2715 PINE RIDGE LN; POWHATAN, VA 23139-5031 CURRENTLY OWNED BY DENNIS C HARDEN AND CINDY C HARDEN HAVING A TAX IDENTIFICATION NUMBER OF 028D-1J-6 AND FRUTHER DESCRIBED AS SPENCERWOOD WEST LOT 6 BLOCK J.

9. Bucks Financial, LLC owns the loan on the Property and FCI Lender Services is the servicer on the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtors obtain a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of the Movant. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.
10. As of September 25, 2014, the outstanding amount of the Obligations less any partial payments or suspense balance is:

Unpaid Principal Balance	\$157,978.14
Unpaid Accrued Interest	\$54,635.96
Uncollected Late Charges	\$780.00
Mortgage Insurance Premiums	0
Taxes and Insurance Payments on behalf of Debtors	
Other Costs: Attorney's Fees for MFR + Costs	\$750.00 = \$176.00
Less: Partial Payments	0.00
Minimum Outstanding Obligations	\$214,023.76

11. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed by the Debtors as of September 25, 2014:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
3	7/1/2014	9/1/2014	\$1,329.64	\$3,988.92

12. As of September 25, 2014, the total post-petition arrearage/delinquency is \$3,988.92 consisting of (i) the foregoing total of missed post-petition payments in the amount of \$1,329.64 (ii)

Description	Amount
Attorney's Fees Associated with POC	\$100.00
Motion for Relief	\$750.00
Objection to Chapter 13 Plan	\$550.00 as of 9/25/14 with a hearing set for November 12, 2014 which will incur additional fees.

13. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$750.00 in legal fees and \$176 in costs.
14. The estimated value of the Property is \$360,290.00 as scheduled in the debtors' petition.
15. The Property is not necessary for an effective reorganization by the Debtors.
16. The Movant believes and avers that there is no equity in the Property because the total liens against the property exceed the value of the Property.
17. The Movant lacks adequate protection of its interest in the Property. The Movant has been and continues to be irreparably injured by the stay of 11 U.S.C. § 362(a) of the Bankruptcy Code which prevents Movant from enforcing its rights under the Note and Deed of Trust. Cause exists for lifting the automatic stay imposed by 11 U.S.C. § 362(a) of the Bankruptcy Code, to enable the Movant to enforce its rights under the terms of the Note and Deed of Trust.

WHEREFORE, Movant prays that this Court:

1. Enter an order, pursuant to 11 U.S.C. § 362(d), lifting the automatic stay imposed by 11 U.S.C. § 362(a) of the Bankruptcy Code, to enable Movant to enforce the lien of its Deed of Trust encumbering the Property, and to exercise all of the rights and remedies available to Movant pursuant to applicable state law and the terms of the Deed of Trust and Note, and
2. Grant such other and further relief as necessary.

Respectfully Submitted,

BUCKS FINANCIAL, LLC

By: /s/ Jacqueline W. Sharman
Counsel

/s/ Jacqueline W. Sharman, Esq.
Jacqueline W. Sharman, Esq. (VSB # 71569)
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Richmond, Virginia 23233
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Counsel for Movant

CERTIFICATE OF SERVICE

I hereby certify that on this 16th of October, 2014, a copy of the foregoing was
either electronically transmitted and/or mailed by regular mail, postage prepaid to all
necessary parties:

Dennis Harden/Cindy Harden
2715 Pine Ridge Lane
Powhatan, VA 23139

Robert Hyman, Chp 13 Trustee
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Patrick Keith
Boleman Law Firm, PC
PO Box 11588
Richmond, Virginia 23230

U.S. Trustee
701 E. Broad Street
Richmond, Virginia 23219

/s/ Jacqueline W. Sharman
Jacqueline W. Sharman